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## War Crimes in Israel and Palestine

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## Gaza Weapons Use

Prior to the January ceasefires, Amnesty International sent a team of independent observers into Gaza in order to investigate allegations of war crimes during the conflict on the part of Hamas and the Israeli Defence Forces (IDF). The Amnesty group were among the first independent observers to gain access to Gaza during the closing stages of the conflict. Their report, which has been seen by the Irish Times contains disturbing evidence of the abuse of international law by all parties to the conflict.

Amnesty's report is unequivocal in its condemnation of the indiscriminate firing of Grad and Qassam rockets by Hamas and other Palestinian factions into Israel. According to Amnesty, the improvised Qassam rockets consist of 'crude, rusty ... 120mm pipes about 1.5 metres long with fins welded onto them ... hold(ing) about five kilograms of explosives as well as shrapnel in the form of nails, bolts, or round metal sheets which rip into pieces on impact'. The report logs the 643 rocket attacks on Israel by Palestinian militants between the 27<sup>th</sup> of December and the 11<sup>th</sup> of January last. Amnesty name the three Israeli citizens, Beber Vaknin, Irit Sheetret and 27 year old Bedouin, Hani al-Mahdi killed in the first three days of these attacks between December 27<sup>th</sup> and 29<sup>th</sup>.

The indiscriminate firing of such rockets – with rusting components and improvised shrapnel clearly designed to kill and maim – at population centres such as Sderot and Ashkelon represent clear breaches of the Geneva Conventions which explicitly prohibit the inappropriate use or modification of weapons or the targeting of civilians and civilian objects. According to the report, 'Amnesty International has repeatedly called on Hamas and all other Palestinian armed groups in Gaza to stop firing indiscriminate rockets against towns and villages in southern Israel and continues to do so'.

The Israeli response to these indiscriminate rocket attacks is examined in similar forensic detail within Amnesty's report. In terms of proportionality, the casualty statistics for Palestinian civilians are stark. According to Amnesty, 'In the three weeks following the start of the Israeli military offensive on 27 December, Israeli forces killed more than 1,300 Palestinians in Gaza including more than 300 children and many other civilians and injured over 5,000 other Palestinians again including many civilians'. The report concludes that 'some of the Israeli bombardments and other attacks were directed at civilians or civilian buildings within the Gaza Strip; others were disproportionate or indiscriminate'. The report adds 'Amnesty International has found indisputable evidence that Israeli forces used white phosphorous which has a highly incendiary effect, in densely populated residential areas in Gaza'. In summary, Amnesty states quite simply 'Direct attacks on civilians and civilian objects, disproportionate attacks and indiscriminate attacks are war crimes'.

The report examines in detail the misuse of conventional arms by the IDF during the conflict. This analysis includes the misuse of anti tank mines, artillery and mortars within Gaza by IDF troops. Amnesty investigators recovered and photographed a vast array of Israeli and US manufactured anti-tank mines, spent shell-casings and mortar tail-fins scattered through Palestinian homes, UN schools and in the administrative centre and headquarters of UNRWA in Gaza. Amnesty's experts also recovered and examined the

remnants and fragments of US manufactured air-launched missiles, rockets and guided bomb units – again scattered indiscriminately through heavily populated residential districts, UN schools and other UN installations.

The misuse of such weapons systems by the IDF in Gaza – all of them complex crew-served weapons systems or high-tech systems aboard Israeli aircraft – comprises evidence of a systematic and systemic attempt on the part of the general staff of the IDF to terrorise Gaza's civilian population. Significantly, the use of such weapons systems in a coordinated manner by any military formation cannot be explained away as the result of individual actions on the part of inexperienced front line troops. Nor can the wholesale misuse of such weapons systems in built-up areas be blamed on the misguided on-the-spot decisions of individual Israeli commanders. The combined arms nature of the protracted Israeli onslaught on an area inhabited by 1.5 million civilians – 48% of whom were children under the age of 15 – on an objective military analysis, appears to provide clear evidence of war crimes on the part of Israel's general staff.

The evidence gathered by Amnesty on the use of non-conventional weapons by the IDF in Gaza is very disturbing. Amnesty's report contains photographs of US manufactured 155mm White Phosphorous (WP) shells found in and around UN schools and other installations in Gaza. White Phosphorous is intended for use as an illumination round at night or as a smoke-screen generator during daytime in large open battlefields. It is prohibited to fire WP in the 'direct-fire' or 'airburst' mode at military – let alone civilian – targets. There is ample evidence of the indiscriminate firing of WP shells by IDF troops at Palestinian civilians during the recent conflict. In a hideous process known as 'shake and bake' by the US military, those exposed to burning WP filaments are burned, literally to the bone. WP burns through clothing, skin, and 'eats' through human tissue, destroying internal organs and is virtually impossible to extinguish or treat. Amnesty's report details the case of a 16 year old girl, Samia Slman Al-Manya whose face and legs were destroyed by an Israeli WP shell fired point-blank into her home.

Amnesty's report also details the use of Flechette tank shells by IDF troops in the densely populated streets of Gaza. A flechette is a 4cm long metal dart designed to rip and tear human flesh. Between 5000 and 8000 flechette darts are packed into each 120mm tank shell. On firing, the flechette darts detonate and disperse over a 'kill radius' of 400 square metres. Hundreds of such Flechette tank shells were fired by IDF armoured fighting vehicles among Palestinian civilians during the conflict leading to the unlawful death and injury of many Palestinians. Those killed by Israeli flechette rounds included children and pregnant women such as 21 year old Wafa' Abu Jarad from Izbet Beit Hanoun.

According to Amnesty's expert report, the IDF field tested new non-conventional weapons systems including an air-launched missile that releases lethal 'cube-shaped' shrapnel capable of penetrating the walls and roofs of dwellings, offices and even hardened bomb-shelters. According to Amnesty, on detonation, such missiles release hundreds of tiny sharpened metal cubes each between 2mm and 4mm square in size. X rays and post mortems of many dead Palestinians revealed the presence of these cubes

embedded in bone, deep tissues and internal organs. According to Amnesty, those killed in this manner included 'a thirteen year old girl asleep in her bed; three primary school boys carrying sugar canes; a thirteen year old boy on his bicycle; eight secondary school students waiting for a bus ... and an entire family sitting in the courtyard of their home'.

In response to their findings, Amnesty concludes that both Hamas and the Israeli military authorities are guilty of war crimes. Whilst military analysts have come to accept breaches of the Geneva Conventions on the part of militant groups such as Hamas, the sheer scale, pre-meditation and prosecution of war crimes by the Israeli general staff in Gaza beggars belief. Such actions bring Israel and her citizens into disrepute. In concluding their report, Amnesty International makes two simple demands. One, that the United Nations Security Council establish an immediate independent investigation into these allegations of war crimes by all sides to the conflict and that those found responsible be brought to justice. Secondly, Amnesty calls on the international community to impose a full and comprehensive arms embargo on both Hamas and the Israeli Defence Forces. This twin appeal appears to represent the very least the international community can do for all of those in both Israel and Gaza who have been violated by this conflict.

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